IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO : 3373 of 2005

Between:

G. Sridevi D/o Sri G.K. Naidu
R/o Plot No.6, Sri Ganesh Nilayam, Narasimhanagar, Visakhapatnam

..... PETITIONER

AND

1. The Vice Chancellor Andhra University, Visakhapatnam
2. The Registrar, Andhra University, Visakhapatnam
3. The Principal, Dr. L. Bullayya College of Education,

Visakhapatnam

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of a Writ of Mandamus questioning the inaction of the 1st respondent in not allowing the petitioner to appear for her final University Level Theory Examinations" of B.Ed Course of the Academic year 2003-2004 which are going to be conducted from 1-3-2005 as illegal and arbitrary.

Counsel for the Petitioner: MR.KULDEEP JADHAV

Counsel for the Respondents: MR.V.RAJAGOPAL REDDY

The Court made the following:

ORDER:

Alleging that she is not being allowed to appear for the Final University Level Theory Examinations for the academic year 2003-2004, the petitioner filed this Writ Petition seeking a direction to the respondents to permit her to appear for the Final University Level Theory Examinations in B.Ed for the academic year 2003-2004.

The case in brief of the petitioner is that she joined B.Ed (Social Methodology) in Dr L.Bullayya College of Education, Visakhapatnam for the academic year 2003-2004 and regularly attended the college from July, 2004, but suddenly fell ill and under went medical treatment and bed rest for a period of one month 25 days i.e. from 25.08.2004 to 20.10.2004 and so there is shortage of attendance. Though, she made a representation to the second respondent, through the third respondent, to permit her to appear for the Final University Level Theory Examination for the academic year 2003-2004 by paying the necessary condonation fee, her application is not being considered.

The learned counsel for the petitioner placing reliance on **V.PRASHANTH KUMAR v AWAHARLAL NEHRU TECHNOLOGICAL UNIVERSITY, HYDERABAD** contended that since a candidate having not less than 65% attendance can be permitted to appear for the examination, the same facility may be extended to the petitioner.

On the other hand the learned standing counsel for the respondent contended that as per the regulations made by the Andhra University, attendance should not be less than 80% in teaching instructional period and 100% of attendance during the period of practice teaching cum internship of B.Ed programme, and in special cases, the Vice chancellor has power to condone the deficiency of attendance not exceeding

10% on the recommendation of the Principal, based on medical certificate by an authorized medical officer approved by the Principal and since no application of the petitioner was forwarded by the Principal of the Dr L. Bullayya College of Education, nothing could be done by respondents 1 and 2.

V.PRASHANTH KUMAR case (1 supra), relied on by the learned counsel for the petitioner, is of no help in deciding this case since that case relates to a student in Jawaharlal Nehru Technological University, Hyderabad, which is governed by the provisions of Jawaharlal Nehru Technological University Act, 1972, and petitioner is a student in a college affiliated to Andhra University which is governed by Andhra Pradesh Universities Act, 1991. As per Section 55 of the A.P. Universities Act, 1991 academic senate shall have power to make regulations, subject to the provisions of the Act and such regulations may provide for all or any of the following matters: namely; (c) the university courses and examinations and the conditions on which students shall be admitted to examinations for the degrees, diplomas, certificates and titles of the university.

As per the learned counsel for respondents 1 and 2, Regulations framed by the Andhra University require 80% of attendance in teaching instructional period and 100% attendance for practice teaching cum internship of B.Ed Programme; and in special cases Vice Chancellor can condone the deficiency of attendance not exceeding 10% on the recommendation of the Principal, based on a medical certificate issued by an authorized medical officer approved by the Principal. It is the specific case of respondents 2 and 3 that petitioner did not make any application. The petitioner can as well approach the principal of the Dr L.Bullayya College of Education i.e. third respondent and submit an application through the third respondent to the Vice Chancellor enclosing a medical certificate issued by the authorized Medical Officer approved by the third respondent and on such application being forwarded to the Vice Chancellor, the Vice Chancellor can consider the application as per the rules and regulations in force, but no relief can be granted by this Court.

Therefore, the Writ Petition is disposed of with the above direction to the petitioner to approach the Vice Chancellor through the third respondent, as per the Regulations in force.

01-03-2005

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To

1. The Vice Chancellor Andhra University, Visakhapatnam
2. The Registrar, Andhra University, Visakhapatnam
3. The Principal, Dr. L. Bullayya College of Education,

Visakhapatnam

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